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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Avner SHAFRIR, *et al.*

SERIAL NUMBER: 09/583,736

EXAMINER: Tadesse Hailu

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ART UNIT: 2173

FOR: COMMUNICATIONS LINK SYSTEM BASED ON USER INDICATOR

Mail Stop AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

In response to the Advisory Action mailed November 23, 2005, Applicant requests review of the final rejection in the above-identified application. This request is being concurrently filed with a Notice of Appeal. The review is requested for the reasons provided in the **Remarks** beginning on page 2 of this paper. A total of 4 pages are provided.

It is not believed that extensions of time or fees for net addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned for under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 033975 (*Ref. No. 042846-0312789*).

REMARKS

Claims 1-38 are all the claims pending in this application. In view of the following remarks, the rejection of all of the pending claims should be withdrawn.

Claim Rejection under 35 U.S.C. § 103

Claims 1-38 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Mirabilis LTD, Quick Tour ("Quick Tour"), allegedly disclosed February 12, 1998, in view of ICQ Inc., ICQ Email Signature ("ICQ Email Signature"), allegedly disclosed May 2, 1999. Applicants respectfully traverse this rejection.

Independent claim 38 recites, among other things, documents generated by the two or more applications, wherein each document includes at least two user depictions associated with at least two network users, an identification determining module that references the user directory to access at least two user indicators that correspond to the at least two network users associated with the at least two user depictions included in the documents and a user indicator presentation module that presents the at least two user indicators within the documents, wherein the user indicator presentation module is capable of presenting the at least two user indicators within the two or more types of electronic documents that are capable of being generated using the two or more types of applications. At least these features are not taught or suggested by Quick Tour or Email Signature, neither alone nor in combination with each other.

In an exemplary embodiment, an electronic document may include names of recipients and/or originators (see Specification at page 12, lines 15-17). A user directory may be used to determine user indicators that correspond to users depicted in the document (see Specification at page 11, lines 20-24). User indicators may be presented wherever users are depicted within two or more types of electronic documents that are capable of being generated using two or more types of applications (see Specification at page 6, lines 20-24).

By contrast, Quick Tour appears to disclose a contact list that provides a plurality of user indicators. Apparently, a user can select a user indicator from a contact list to determine user status and to initiate communications with the user (see Quick Tour, page 3). However, Quick Tour does not disclose documents generated by the two or more applications, wherein each

document includes at least two user depictions associated with at least two network users. Thus, Quick Tour does not teach or suggest all of the claim features.

Email Signature does not cure this deficiency. Email Signature does not disclose user depictions within the document. Rather, at best, it enables a user to add a user indicator to a document in a email signature block. Furthermore, Email Signature does not disclose an identification determining module that references a user directory to access at least two user indicators that correspond to at least two network users associated with user depictions in the original content of an electronic document. Rather, the user must enter a user indicator into an email message. Therefore, the cited references, both alone and in combination, fail to teach or suggest an identification determining module that references the user directory to access at least two user indicators that correspond to the at least two network users associated with the at least two user depictions included in the documents and a user indicator presentation module that presents the at least two user indicators within the documents, wherein the user indicator presentation module is capable of presenting the at least two user indicators within the two or more types of electronic documents that are capable of being generated using the two or more types of applications. For at least this reason, claim 38 is allowable over the cited art.

Additionally, independent claim 38, along with independent claims 1, 8, 15, 22, and 30-33 recite, among other things, “communication selection means for providing a status indication of a plurality of communication modes associated with the one or more user indicators and enabling selection of at least one communication mode from the plurality of communication modes based on the status indication,” wherein the one or more user indicators are presented “within two or more types of electronic documents.” Quick Tour and Email Signature, both alone and in combination with one another, fail to teach or suggest at least these features.

Quick Tour appears to describe a method for downloading, installing, and configuring the ICQ application. Users of the ICQ application, when logged into the ICQ application, may view a *status associated with other ICQ users* indicating whether or not the *user* is available. The Examiner labels the status associated with other *ICQ users* as a status indicator (Office Action, pages 3-4). Apparently, ICQ users may select to communicate with another ICQ user through email, chat, or other communication modes through the ICQ application. While the Examiner acknowledges that Quick Tour fails to teach “presenting one or more user indicators within the

two or more types of electronic document, wherein the electronic document types are capable of being generated using two or more types of application,” the Examiner relies on Email Signature to overcome this deficiency (Office Action at pages 4-5).


The Examiner alleges that Email Signature discloses an email application to generate and present a status indicator within at least one electronic document. Additionally, the Examiner alleges that Email Signature discloses that users may select an email application and “generate and insert signature, i.e., HTML user indicator into any one of the selected applications” (Office Action, page 5). Applicants respectfully submit that, at best, Email Signature discloses placing a user indicator in the signature block of the email. There is no support in Email Signature for placing a status indicator in the signature block. Assuming, for the sake of argument, that Email Signature does disclose generating a status indicator in two or more types of electronic documents as the Examiner alleges, this status indicator would be, as defined in Quick Tour, a user status rather than a communication mode status. Thus, even if this status indicator could be combined with the alleged teachings of Email Signature to present a status indicator in two or more types of electronic documents, this status indicator would provide use status rather than the status of a plurality of communication modes.

Because Quick Tour and Email Signature fail to teach or suggest each and every claim element, independent claims 1, 8, 15, 22, 30-33, and 38 recite patentable features similar to those described above in reference to claim 1. As such, these claims are allowable for the reasons provided above. Claims 2-7, 9-14, 16-21, 23-29, and 34-37 depend from and add features to one of the independent claims. Thus, these claims are allowable at least by virtue of their dependency.

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Respectfully submitted,

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